

### REMARKS/ARGUMENTS

The Office Action mailed June 11, 2009 has been received and the Examiner's comments carefully reviewed. Claims 1 - 7 are allowed. Claims 8 - 18 are rejected. Claims 8 and 13 have been amended. No new matter has been added.

#### Claim Rejections Under 35 U.S.C. 103(a)

Claims 8, 9, 11, 13, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) and further in view of Fitzmaurice et al. (US 7,242,387). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824), Fitzmaurice et al. (US 7,242,387), and further in view of Kupka (US 7,055,110). Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) further in view of Fitzmaurice (Patent '387) and further in view of Kupka (US 7,055,110). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824), Fitzmaurice et al. (US 7,242,387), and further in view of Celebiler (US 6,195,094). Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) further in view of Fitzmaurice (Patent '387) and further in view of Celebiler (US 6,195,094).

With regard to Claim 8, the Office Action recites that "Berman discloses support for writing but does not disclose in response to determining a current writing location placing the glom widget at a location near the current writing location. Fitzmaurice discloses a similar system that further discloses while tracking a stylus during a handwriting operation, a tracking menu is displayed which includes multiple commands (page 3, paragraphs 47-49). ... maintaining the placement of the glom widget at the location while a node handle that is associated with the writing is active such that the glom widget is statically positioned while the glom widget is displayed and during the writing that is associated with the node handle (column 21, lines 40-45). Berman discloses the action handle is displayed in association with a flashing

insertion point continuously, so that the user will readily be able to find the Insertion point. Berman further discloses the action handle stays statically positioned during a drag operation (Figure 11F)." The Applicants respectfully disagree, but have amended Claim 8 to more clearly define that the location of the glom widget does not move locations.

Claim 8 as amended recites in part "maintaining the placement of the glom widget at the location such that the glom widget does not move while the glom widget is displayed and during any current writing and when a glom widget menu is activated." Among other differences, the action handle disclosed by Berman moves locations throughout an interaction with the text while it is displayed.

Referring to Figures 11A-11F of Berman it can be seen that the action handle moves during the interaction with the text. Further, it is clear that the action handle of Berman moves while it is displayed. At col. 21, lines 40-46, Berman recites in part "Preferably, however, an action handle is displayed in association with a flashing insertion point continuously, so that the user will readily be able to find the insertion point (because of the size of the action handle) and will not have to remember the tap required to cause creation of the action handle." This location described by Berman is only an initial location and the action handle does not remain at this same location during writing or while it is displayed. Instead, Berman teaches in Figure 11F that the user can drag the action handle to a new location. As can be seen between Figure 11F and 11G the action handle moves relative to the displayed text. While the action handle is displayed relative to the same word of text, the location of the action handle has moved. This is different from the glom widget NOT moving locations as recited in Claim 8. Since the cited references do not teach displaying a glom widget at a location that does not move while it is displayed, Claim 8 is proposed to be allowable. Claims depending from Claim 8 are proposed to be allowable as they depend on a valid base claim.

Claim 13 as amended recites in part "maintaining the placement of the glom widget at the location such that the glom widget does not move while the glom widget is displayed and during any current writing and when a glom widget menu is displayed." Claim 13 is proposed to be

allowable for at least some of the reasons presented above. Claims depending from Claim 13 are proposed to be allowable as they depend on a valid base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
206.342.6200

Respectfully submitted,  
MERCHANT & GOULD P.C.

/Timothy P. Sullivan/  
Timothy P. Sullivan  
Reg. No. 47,981  
Direct Dial 206.342.6254

